



20 SEP 2005

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Mr. Kia Silverbrook
Managing Director
Silverbrook Research Pty Ltd
393 Darling Street
Balmain, NSW 2041
Australia

In re Application of
SILVERBROOK

Application No.: 10/510,207

PCT No.: PCT/AU02/01163

Int. Filing Date: 29 August 2002

Priority Date: 28 June 2002

Attorney Docket No.: MJ92US

For: INK JET PRINTHEAD CHIP WITH
PREDETERMINED MICRO-ELECTRO-
MECHANICAL SYSTEMS HEIGHT

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 21 July 2005 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

On 05 October 2004, the United States Basic National Fee for instances where neither the international search report nor the international preliminary examination report were prepared by the USPTO was \$1110.00. As applicant did not pay the full amount before expiration of thirty months on 28 November 2004 the application became abandoned. The USPTO again revised the fees for entering the National Stage in the United States on 08 December 2004. A review of the application file reveals that applicant's \$1040.00 payment was sufficient to satisfy this new U.S. Basic National fee on 08 December 2004. Therefore the requirements of 37 CFR 1.137(b) have been satisfied and the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application has an international filing date of 29 August 2002 under 35 U.S.C. 363 and will be given a date of **08 December 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

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This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

A handwritten signature in cursive script, appearing to read "Derek A. Putonen".

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459